

RECEIVED
CENTRAL FAX CENTER
JUL 10 2008

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through 07/31/2008, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 16565	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>JULY 10, 2008</u> Signature <u>William J. Clemens</u> Typed or printed name <u>WILLIAM J. CLEMENS</u>		Application Number 10/677,989	Filed OCT. 2, 2008
		First Named Inventor SPIESS	
		Art Unit 3654	Examiner E. PICO
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>26,855</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u>William J. Clemens</u> Signature <u>WILLIAM J. CLEMENS</u> Typed or printed name <u>248-960-2100</u> Telephone number <u>JULY 10, 2008</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUL 10 2008

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted
to the Commissioner for Patents on:

JULY 10, 2008
Date of signature and transmission

By William J. Clemens
William J. Clemens

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: PETER SPIESS)	Group Art Unit: 3654
Serial No.: 10/677,989)	Examiner: E. Pico
Filed: October 2, 2003)	Attorney Docket: 16565
For: DOOR WITH SLIDING DOOR LEAF AND WITH GUIDE MEANS)	Confirmation No.: 9067

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Honorable Sir:

Review of the above-identified application is requested for the following reasons:

1. In the Final Office Action dated April 22, 2008, the Examiner rejected Claims 1-3, 5-7 and 9-12 under 35 U.S.C. 103(a) as being unpatentable over Steele U.S. Patent No. 3255807 in view of McAulay U.S. Patent No. 3523390.

2. Regarding Claim 1, the Examiner identified the following sliding door components in Steele: a door leaf 22 having a front surface and an edge surface 48, shown as the bottom edge of the front surface; a guide surface 38 for guiding the door leaf 22; at least one guide element 50, 52 having an axis of rotation extending generally perpendicular to the edge surface 48; and a movable belt 40 engaging the at least one guide element 50, 52 and having a portion which contacts the guide surface 38 during sliding of the door leaf 22. (Final Office Action paragraphs

16565

3-8) Regarding McAulay, the Examiner identified the following sliding door components: a door leaf 10 having a front surface and an edge surface 26 extending perpendicular to the front surface; a guide surface 21, 22 for guiding the door leaf, the guide surface being generally parallel to the front surface of the door leaf; at least one guide element 24 having an axis of rotation extending generally perpendicular to the edge surface 26. (Final Office Action paragraphs 10-13) According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time of the invention to extend the edge surface disclosed by Steele perpendicular to the front surface as taught by McAulay and make the guide surface disclosed by Steele generally parallel to the front surface of the door leaf as taught by McAulay to facilitate the guidance of the bottom edge of a horizontal sliding door and assure the reliability of operation of the door guide when there is a variation in the transverse force on the door. (Final Office Action paragraph 14)

3. Regarding Claim 11, the Examiner identified the following sliding door components in Steele: a door leaf 22 having a front surface and an edge surface 48; guide elements 50, 52 mounted on the edge surface 48 and having an axis of rotation extending generally perpendicular to a plane of the edge surface 48; and a movable belt 40 engaging the guide elements 50, 52, the movable belt having a portion adapted for contact with a guide surface 38 during sliding of the door leaf 22 relative to the guide surface 38, the guide surface 38 extending in a plane generally perpendicular to the plane of the edge surface 48. (Final Office Action paragraphs 22-25) The Examiner identified the following elevator door components in McAulay: at least one elevator door leaf 10 having a front surface and an edge surface 26 extending perpendicular to the front surface; and at least one guide element 24 mounted on the edge surface 26 and having an axis of rotation 28 extending generally perpendicular to a plane of the edge surface 6. (Final Office Action paragraphs 27-29) According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time of the invention to extend the edge surface disclosed by Steele perpendicular to the front surface as taught by McAulay to facilitate the guidance of the bottom edge of a horizontal sliding door and assure the reliability of operation of the door guide when there is a variation in the transverse force on the door. (Final Office Action paragraph 30)

4. Regarding Claim 1, the Examiner admitted that Steele is silent concerning a sliding door comprising: the edge surface extending perpendicular to the front surface; and the guide surface being generally parallel to the front surface of the door leaf. (Final Office Action paragraph 9) Regarding Claim 11, the Examiner admitted that Steele is silent concerning a door used in an elevator installation comprising: an edge surface extending perpendicular to the front surface. (Final Office Action paragraph 26)


5. The component that the Examiner characterizes as the edge surface of the Steele door element 22 is not a surface of the door. The door element 22 terminates at a lower end 30 having a curved surface. (Col. 2, Lines 44-47) Attached to the lower end 30 of the door 22 is a gasket 46. (Col. 3, Line 1) The gasket 46 has a downwardly depending supporting web 48 to which are rotatably secured end rollers 50 and smaller rollers 52. (Col. 3, Lines 1-4) Thus, not only is the Steele threshold 38 not parallel to the front surface of the door 22, but the axes of the rollers 50, 52 are not perpendicular to the edge surface at the lower end 30 of the door 22 as required by Applicant's claims.

6. Furthermore, the combination of Steele and McAulay proposed by the Examiner requires substantial modifications that would not be obvious to one of ordinary skill in the art. The supporting member 38 is shown in Steele as extending horizontally in all directions well beyond the front surface 24, the rear surface 26 and the sides 32, 34 of the door element 22. Note that Steele states that is an object of the invention to provide a sliding door that "does not require specially constructed guideways in the threshold". (Col. 1, Lines 22-27) Thus, Steele teaches away from the use of the McAulay door sill 17 that has a groove 20 with vertically extending sidewalls 21, 22.

7. Regarding Claim 3, the Examiner stated that Steele discloses the guide surface 38 is disposed in the door leaf 22 and the guide element 50, 52 is attached to a region of a door frame 30 for the door leaf 22. The Steele threshold 38 is not disposed in the door element 22. Also, the Steele lower end 30 is part of the door element 22 such that the rollers 50, 52 are not attached to a region of a door frame for the door leaf. The only parts of a door frame shown by Steele are the head jamb 36 and the threshold 38. (Col. 2, Lines 47-49)

8. There is no combination of Steele and McAulay that anticipates the invention recited in Applicant's claims of record.

Respectfully submitted,


William J. Clemens, Reg. No. 26,855
(248) 960-2100

Frascr Clemens Martin & Miller LLC
28366 Kensington Lane
Perrysburg, Ohio 43551-4163
419-874-1100
419-874-1130 (FAX)